IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.9131 OF 2004

Anand Arvind Shastri, .. Petitioner

Vs

Principal,
Konkan Gyanpeeth College
of Engg & 2 ors. .. Respondents

Mr.Mihir Desai, for the petitioner.

Mr Piyush Shah, for respondent nos 1 and 2.

CORAM : D.B.BHOSALE,J.

DATE : 1st December, 2004.

PC:

1. Heard the learned counsel for the parties.

2. Rule. Rule returnable forthwith. Mr Shah, learned counsel, waives service for respondent nos 1 and 2. By consent, heard finally.

3. This petition is directed against the order dated 5.7.2004 passed by the University and College Tribunal, Mumbai, rejecting the application filed by the petitioner seeking condonation of delay of nine days in filing the appeal against the order of termination. Admittedly, the delay in filing the appeal was only of nine days. According to the petitioner, he was not aware of the termination order since it was served on the residential address of the petitioner at Badlapur.

According to the petitioner, at the relevant time, he had shifted to Ghatkopar for one month for training which he was taking at Vivekananda Education Society Institute of Technology at Chembur.

4. I perused the impugned order and other material placed before me. Keeping that in view, I am satisfied that this is a fit case to condone the delay of nine days in filing the appeal on payment of cost.

5. In the result, this petition is allowed. The impugned order is set aside. The delay of 9 days in filing the appeal stands condoned subject to payment of cost of Rs.500/- to the respondents within a period of two weeks from today. The University and College Tribunal, Mumbai, shall deal with the appeal on merits in accordance with law.

(D.B.BHOSALE, J.)